

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STATE OF TEXAS, et al * Civil No. 1:18-CV-68
*
VERSUS * Houston, Texas
* June 24, 2019
UNITED STATES OF AMERICA * 2:30 p.m.

MOTION HEARING
BEFORE THE HONORABLE ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE

For the Plaintiffs:

Mr. Todd Lawrence Disher
Mr. Ryan L. Bangert
Mr. Philip Trent Peroyea
Office of the Attorney General of Texas
209 W 14th Street
8th Floor
Austin, Texas 78701

For the Defendant United States of America:

Mr. Daniel David Hu
Office of the U.S. Attorneys Office
1000 Louisiana
Suite 2300
Houston, TX 77002

Mr. Jeffrey S. Robins
U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 868
Washington, DC 20044

Proceedings recorded by mechanical stenography, produced by
computer aided transcription.

1 Appearances - Con't:

2

3 For the Individual DACA Intervenor:

4 Ms. Nina Perales
5 Ms. Alejandra Avila
6 MALDEF
7 110 Broadway
Suite 204
San Antonio, Texas 78205

8 For the State of New Jersey:

9 Mr. Glenn J. Moramarco
10 Richard J. Hughes, Justice Complex
25 Market Street
11 1st Floor
Trenton, New Jersey 08625

12

13 Court Reporter:

14 Fred Warner
15 Official Court Reporter
515 Rusk Ave.
16 Houston, Texas 77002

17

18

19

20

21

22

23

24

25

1 THE COURT: For the record we are here in 18-CV-68,
2 State of Texas versus the United States.

3 Mr. Disher, why don't you introduce yourself
4 and the folks at your table.

5 MR. DISHER: Thank you, Your Honor.

6 Todd Disher on behalf of the plaintiffs. With
7 me I have Ryan Bangert and Trent Peroyea.

8 THE COURT: Mr. Hu, do you and Mr. Robins want to
9 introduce yourselves for the record.

10 MR. DU: Daniel Hu, Assistant United States Attorney
11 and Mr. Jeff Robins for the United States.

12 THE COURT: Mr. Hu, I got to warn you, that door is
13 locked. You can't get out.

14 Ms. Perales, do you want to introduce you and
15 Ms. Avila.

16 MS. PERALES: Good afternoon, Your Honor. Nina
17 Perales for the individual DACA defendant intervenor. With
18 me today is Ms. Alejandra Avila and a host of law interns
19 with MALDEF here, Your Honor. They will wave their hands at
20 you. Thank you, Your Honor.

21 THE COURT: And representing the great State of New
22 Jersey.

23 MR. MORAMARCO: Thank you, Your Honor. Assistant
24 Attorney General Glenn Moramarco.

25 THE COURT: We had a hearing today scheduled to go

1 over some discovery issues, and counsel and I met in the jury
2 room to try to work out some agreements; and while some of
3 the agreements I think we worked out, some of them I think we
4 have worked out in a compromise situation and other probably
5 portions of it I am going to order.

6 With regard to the interrogatories to the State
7 of Texas, I am going to order the State of Texas to answer,
8 and I am going to give them 30 days to do so.

9 We have talked, as I said, outside, off the
10 record and there may be many or at least some of those
11 interrogatories that the state has to answer that it's
12 impossible for them to answer without specific information
13 from the United States government. And the intervenors have
14 indicated that they understand that answer and they're
15 willing to accept that answer for purposes of their
16 interrogatories; but they want that answer, they want an
17 answer. So I am ordering Mr. Disher, you and your folks to
18 do that.

19 And Ms. Perales, as we said off the record, if
20 they answer it, have to answer it that way, you understand
21 and you're fine with that answer?

22 MS. PERALES: Yes, Your Honor.

23 THE COURT: All right.

24 I am going to order the government, the federal
25 government, to answer the discovery with regard to advance

1 parole that intervenors have asked them to answer. I am
2 going to give them 90 days to do that, although I am going to
3 ask Mr. Robins if you will try to light a fire under some
4 people to do that.

5 I am going to order a sampling of 500. If any
6 party who receives that, armed with your people back at home
7 that can actually count, find that that sampling is
8 inadequate, I guess is the way I will put it, y'all can
9 object to that. I may or may not grant that objection, but I
10 think that's a reasonable way to start.

11 I am going to move the hearing that was set for
12 July 8th. I am checking my trial schedule. I am going to
13 move it to 10:00 o'clock on the 28th of October.

14 To the extent there are objections or motions
15 to compel one way or the other that go beyond what I just
16 ordered, I am overruling those.

17 Now, having done that, though, if the result of
18 the pending motions for summary judgment end up in denial and
19 we have a case that we are going to have to try on the
20 merits, I'm going to entertain a further motion to open
21 discovery because I realize there may be some of the issues
22 that people requested discovery on that might weigh in on the
23 merits beyond the pending motion for summary judgment, and
24 we'll jump off that bridge when we get to it.

25 Mr. Disher, anything from the state that we can

1 further move this case down the road other than what I just
2 did to you by making you order and postponing your hearing?

3 MR. DISHER: No, Your Honor. Thank you.

4 THE COURT: Ms. Perales, how about you?

5 MS. PERALES: No, Your Honor.

6 MR. MORAMARCO: No, Your Honor.

7 THE COURT: Mr. Robins, even though I just made you
8 order discovery, do discovery, are you okay at least for the
9 time being?

10 MR. ROBINS: Yes, Your Honor.

11 THE COURT: Thank y'all for coming.

12 We stand adjourned.

13

14 (Conclusion of proceedings)

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATION

2
3
4
5 I, Fred Warner, Official Court Reporter for the
6 United States District Court for the Southern District of
7 Texas, Houston Division, do hereby certify that the foregoing
8 pages 1 through 6 are a true and correct transcript of the
9 proceedings had in the above-styled and numbered cause before
10 the Honorable ANDREW S. HANEN, United States District Judge,
11 on the 24th day of June, 2019.

12 WITNESS MY OFFICIAL HAND at my office in Houston,
13 Harris County, Texas on this the 5th day of July, A.D., 2019.
14
15
16
17

18 /s/ Fred Warner
19 Fred Warner, CSR
20 Official Court Reporter
21
22
23
24
25